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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,604	04/02/2004	Cem Hatipoglu	28679/05423	9818
24024	7590	09/26/2005		
CALFEE HALTER & GRISWOLD, LLP 800 SUPERIOR AVENUE SUITE 1400 CLEVELAND, OH 44114			EXAMINER KRAMER, DEVON C	
			ART UNIT 3683	PAPER NUMBER

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/816,604

Applicant(s)

HATIOGLU ET AL.

Examiner

Devon C. Kramer

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 5-7, 11, 19 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-10 and 12-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/6/05 + 4/2/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

- 1) Applicant's election without traverse of species 1 in the reply filed on 7/29/05 is acknowledged.
- 2) Claims 5-7, 11, and 19-20 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 7/29/05.

Claim Objections

- 3) Claims 1-4, 8-10 and 12-18 are objected to because of the following informalities:

Claim 1 line 1, "the braking function" should be --a braking function--;

Claim 4 line 1, "the vehicle braking system" should be --a vehicle braking system--;

Claim 8 line 6, "the existence" should be --an existence--;

Claim 8 line 7, "the vehicle wheels" should be --vehicle wheels--;

Claim 9 line 2, "the existence" should be --an existence--;

Claim 14 line 1, "the vehicle braking system" should be --a vehicle braking system--;

Claim 15 line 13, "at least one vehicle wheel" should be --at least one of the vehicles wheels--. Appropriate correction is required.

Claim Rejections - 35 USC § 101

4) Claims 4, 8-10 and 12-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims recite either, "a foot" or "the foot" relating to a drivers foot. Applicant should amend the claims to recite, for an example, a phrase "a vehicle operator" or "an operators actuation".

Claim Rejections - 35 USC § 102

5) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6) Claims 1-4, 8-10 and 12-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Reinecke (4260199).

In re claims 1, 3, 8-10, and 12-13, Reinecke provides a method of controlling a braking function of a vehicle with a first brake circuit (24) associated with driven wheels and a second braking circuit (26) associated with non-driven wheels, the method comprising the steps of: sensing a vehicle condition for which braking of the driven wheels is desired (col. 2 lines 17-24) independently of operator demand; in response to the sensing step, electrically actuating a dual brake valve (32, 33) to direct braking pressure to the first and second braking circuit; and controlling a plurality of modulators (12, 14) to inhibit delivery of braking pressure to the non-driven wheels.

IN re claims 2 and 16, see sol. 2 lines 36-40.

In re claims 4 and 14, see element 30.

In re claims 15 and 17-18, see the rejection of claims 1, 4 and 8 above.

Conclusion

7) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stumpe and McNinch teach traction control devices for vehicles.

8) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devon C. Kramer whose telephone number is 571-272-7118. The examiner can normally be reached on Mon-Fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3683

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DK

Devon C Kramer
Examiner
Art Unit 3683

Devon Kramer
9/22/05
DEVON C. KRAMER
PATENT EXAMINER